

REMARKS

Claims 11 and 12 are added, and therefore claims 6 to 12 are now pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

With respect to paragraph four (4) of the Office Action, the specification is objected to because of informalities associated with the reference characters “PPS” and “SG” on page four. It is respectfully submitted that such reference characters are proper, and are properly labeled in Figure 1. As indicated in 608.02V of the MPEP and 37 C.F.R. 1.84(p), reference characters may be letters of the English alphabet, so that the use of the reference characters “PPS” and “SG” is not objectionable. Withdrawal of the present objections is therefore respectfully requested.

With respect to paragraph six (6) of the Office Action, claims 6 to 10 are rejected under 35 U.S.C. § 102(e) as anticipated by Ohl et al., U.S. Patent Application Publication No. 2005/0068195.

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Final Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Final Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art.” (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

Claim 6 is directed to a method for digital data transmission from a sensor to a control unit, the method comprising dividing sensor values of the sensor for data transmission at different resolutions, the sensor values forming a first range of values including successive sensor values, and dividing the first range of values as a function of a variable relevant for the control unit. The Ohl reference does not disclose, or even suggest, a division of sensor values, and further does not disclose, or even suggest, such a division as a function of a variable relevant to the control unit or transmission at different resolutions.

While the Office Action conclusorily asserts that the Ohl reference at paragraph [0014] discloses these features of claim 6, paragraph [0014] of the Ohl reference (and other portions of the reference) refer to a division of the available value range from which the data may be encoded. This is a wholly different principle from that of the presently claimed subject matter, which concerns a division of the sensors values -- that is, the data describing the information detected by the sensor. In stark contrast, the Ohl reference is concerned with setting aside portions of the available data value range for encoding different categories of sensor data. The first of those categorical portions of the data value range, as in paragraphs [0004] and [0020], as well as the cited paragraph [0014], is for sensor values, and the other two portions are reserved for status and error signals and sensor identification data. This "division" is not a division of sensor values, since the sensor values are maintained, in total, in the first of the three reserved portions.

Further, because the sensor values are not divided, the remaining features of claim 6 are also absent from the Ohl reference. In particular, the Ohl reference does not identically describe (or even suggest) that sensor values are transmitted at different resolutions. Paragraph [0013] indicates that a different resolution may be used for the sensor values, but this is merely an indication that the resolution of the transmitted sensor values may be different from other types of data. Accordingly, the Ohl reference does not identically describe (or even suggest) sensor values being transmitted at different resolutions from other sensor values, as provided for in the context of the presently claimed subject matter.

Also, the Ohl reference does not identically describe (or even suggest) that the first range of values is divided as a function of a variable relevant for the control unit, as provided for in the context of the presently claimed subject matter. The data of paragraph [0014] of the Ohl reference is divided based on the type of data being transmitted. The variables of the present application are relevant for the control unit in that it is beneficial for

certain sections of the sensor values to be more carefully examined for accuracy. For example, the variable relevant to the control unit, as described on page 5, lines 5 to 7, concerns the threshold values for a triggering algorithm. To be sure that the control unit properly triggers a device based on the sensor values received, the values near the threshold are treated more carefully, using a higher resolution, so as to assure accuracy. The Ohl reference does not disclose, or even suggest, any division as a function of a variable of this nature.

In view of all of the foregoing, Applicants respectfully submit that the Ohl reference does not identically describe (or even suggest) all of the features of claim 6, so that claim 6 is allowable, as are its dependent claims 7 to 10.

New claims 11 and 12 do not add any new matter and are supported by the present application. Claim 11 depends from claim 6 and is therefore allowable for the same reasons. Claim 12 also depends from claim 6 and is therefore allowable for the same reasons.

Withdrawal of the present rejections is therefore respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. All issues raised by the Examiner have been addressed, and therefore an early and favorable action on the merits is respectfully requested.

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